

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3177 OF 2016
(Pralhad Vithalrao Narwate Vs. The State of Maharashtra
through Secretary and others)

Mr.A.N. Sabnis, Advocate holding for Mr. V.D. Gunale,
Advocate for petitioner

Mr. A.V. Deshmukh, A.G.P. for respondents/State

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 3rd MAY, 2017

ORAL ORDER :

Heard.

2. The learned counsel for the petitioner submits that the petitioner's request for grant of pensionary benefits has been turned down on the ground that the petitioner has not put in ten years of qualifying service. The service rendered by the petitioner is being counted from the year 2001. The service rendered by him from 1997 in the State cadre is not counted. According to the learned counsel, the petitioner was working as Mustering Assistant. He was absorbed as Parichar in the State cadre under order dated 27th March, 1997 and thereafter, in the year 2001, as Talathi. As such, his services rendered by the petitioner from 1997

to 2001 also need to be calculated for the purpose of qualifying service.

3. The learned A.G.P. submits that the petitioner was appointed as Talathi in 2001. His said service from 2001 has been calculated and till the age of retirement, his qualifying service is eight years and nine months. The services rendered by the petitioner as Mustering Assistant cannot be counted.

4. We have considered the submissions canvassed by the learned counsel for the petitioner and the learned A.G.P.

5. There cannot be any dispute that the services rendered by the petitioner as Mustering Assistant cannot be considered for computing the qualifying service.

6. However, the petitioner relies on the order dated 27th March, 1997 whereunder he is absorbed as Parichar. If the said absorption is in the State cadre, then certainly that service can be considered while calculating the qualifying service.

7. In view of the above, the impugned order is

quashed and set aside. The respondents shall reconsider the case of the petitioner for grant of pensionary benefits. They shall consider the services rendered by the petitioner as Parichar as per the order dated 27th March, 1997 for calculating the qualifying service for grant of pensionary benefits in case the said service is rendered in the State cadre and he is absorbed pursuant to the Government Resolution dated 1st December, 1995. The said exercise shall be done expeditiously and preferably within four months.

8. With the above directions, the Writ Petition is allowed and disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp3177-2016

